



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

JUN 10

Mr. Austin D. Check
P.O. Box 3271
Meridian, Mississippi 39303

Dear Mr. Check:

Thank you for your April 16, 2009, letter concerning potential sources of contribution to the 303(d) listed water quality impairment of Sowashee Creek from the headwaters at the City of Meridian to Okatibbee Creek.

The Clean Water Act (the Act) gives the U.S. Environmental Protection Agency (EPA) the authority to regulate the discharge of pollutants to waters of the United States. The Act provides broadly defined authority to: establish the National Pollutant Discharge Elimination System (NPDES) Permits Program, define pollution control technologies, establish effluent limitations, obtain information through reporting and compliance inspections, and take enforcement actions when violations of the Act occur. Sections 308 and 402 of the Act provide for the transfer of the NPDES program to the state operated programs. The State of Mississippi Department of Environmental Quality (MDEQ) has been delegated the authority to operate the NPDES program, which includes enforcement of the Act.

The City of Meridian is the responsible party for maintaining its municipal sewer lines. In discussions with the State, EPA has learned that MDEQ is conducting an investigation of Meridian's municipal sewer system, and based on the results of the investigation, MDEQ will work with the City to resolve any identified issues related to the sewer problems. EPA will continue to monitor the situation to evaluate whether federal action is appropriate.


EPA has reviewed the information submitted relative to the Miller Cattle Company as another potential source of contribution to the water quality impairment of Sowashee Creek, and has had discussions with the State concerning this matter. As of February 11, 2008, an agreed order between MDEQ and Miller Cattle Company, Order No. 5359 08, has been in effect through which the Miller Cattle Company has agreed to keep all cattle under roof, thereby preventing stormwater from coming into contact with animal waste products. MDEQ is responsible for ensuring the facility is in compliance with this order. At this time, the State order appears to be an effective mechanism to prevent stormwater runoff from coming into contact with animal waste products, and EPA has not received any evidence indicating that the Miller Cattle Company is not in compliance with this order. MDEQ is also working with the Miller Cattle Company to

determine the best permitting mechanism to utilize which, when issued, will then replace the agreed order to continue in the prevention of any regulated runoff discharges.

Your letter also referenced a June 28, 2007, email (Subject: RE: Marion/Meridian Impasse Concerning Wastewater Treatment and Sowashee Creek TMDL Status) from Mr. Jimmy Kemp to Ms. Trudy Fisher, Executive Director, MDEQ with a courtesy copy sent to Mr. Jimmy Palmer, previous EPA Region 4 Administrator. Per your request, my staff was able to recover this document from our email system. Based on the information in this email, EPA staff will review the East Meridian publicly owned treatment works (POTW) permit (permit no. MS0055735) and the Meridian POTW permit (permit no. MS0020117) when they are available for reissuance in August 2009 and January 2010, respectively, to ensure the permit limits are in agreement with any modeling related to the biological impairment of Sowashee Creek.

We appreciate your desire to protect and preserve the environment and hope you find this information helpful. If we may be of further assistance, please contact Ms. Stacey Bouma at (404) 562-9392.

Sincerely,


A. Stanley Meiburg
Acting Regional Administrator

cc: Trudy Fisher, Executive Director
MDEQ